IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14975 of 2006

Dated: July 21, 2006

Between:

Sri Sri Sri Venkateswara Saw Mill, situated at 3-12-10/1, Ganesh Nagar, Ramanthapur, Hyderabad, rep. by its Proprietor D. Venkatesham, S/o. Mallaiah, aged about 43 years, R/o. Ramanthapur, Hyderabad.

… Petitioner

And

The Divisional Forest Officer, Hyderabad, and another.

… Respondents

Order:

The petitioner was initially granted sawmill licence on 07-06-2003, under A.P. Saw Mills (Regulation) Rules, 1969, framed under Andhra Pradesh Forest Act, 1967. The said licence was renewed from time to time and was valid upto 31-12-2005. While so, the first respondent issued Proceedings Rc.No.4239/2003/514 dated 17-01-2006 cancelling the licence granted to the petitioner in view of the judgment of the Hon'ble Supreme Court of India dated 16-11-2002,

passed in W.P.No.202 of 1995. In the aforesaid order, the Apex Court while dealing with the permits granted to sawmills in the states of Nagaland, Karnataka, etc. has issued directions to all the State Governments and Union Territories not to grant permissions for opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee constituted by the Ministry of Environment and Forests, Government of India, under the provisions of sub-section (3) of the Environment (Protection) Act, 1986, by notification dated
17-09-2002.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

3. Admittedly there is no renewal of licence after 31-12-2005. In that view of the matter, the petitioner cannot run the sawmill without possessing valid licence. However, there is no absolute prohibition for grant of licence and in view of the directions issued by the Apex Court; it is permissible for the licencing authority to consider the applications for grant of permission subject to permission by the Central Empowered Committee. As much as the petitioner was initially granted licence in June, 2003, which was valid upto 31-12-2005 and the same was cancelled, referring to the directions of the Apex Court and as there is no absolute prohibition, I dispose of the writ petition permitting the petitioner to make an application to the first respondent, the Divisional Forest Officer, within two weeks from today seeking concurrence from the Central Empowered Committee. If such application is filed within the time stipulated above, the Divisional Forest Officer is directed to refer the same to the Central Empowered Committee for its concurrence, for grant of licence/renewal of licence

under A.P. Saw Mills (Regulation) Rules, 1969. Subject to the orders that may be passed as to permission by the Central Empowered Committee, the Divisional Forest Officer shall take steps for restoration of the licence in case the Central Empowered Committee approves for grant of such licence in favour of the petitioner. No costs.

JUSTICE R. SUBHASH REDDY.

July 21, 2006
MRR